

REMARKS

Claims 1-27 are pending in the application. It is gratefully acknowledged that the Examiner has allowed Claims 6-8, 24 and 25. It is also gratefully acknowledged that the Examiner has objected to Claims 12, 17 and 18 by to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. The Examiner has objected to the drawings. The Examiner has objected to Claims 6, 19, 25 and 27 because of informalities. The Examiner has rejected Claims 1-5, 19-23 and 27 under 35 U.S.C. §112, second paragraph, for lack of antecedent basis. The Examiner has rejected Claim 16 under 35 U.S.C. §112, second paragraph, as being indefinite. The Examiner has rejected Claims 9-11, 13-15, 19, 26 and 27 under 35 U.S.C. §102(a) as being anticipated by Applicants' Admitted Prior Art (AAPR).

Please note that the Examiner has yet to indicate allowance or rejection of the claimed subject matter contained in Claims 1-5, 16 and 20-23, with Claims 1 and 3 in independent form, with respect to any prior art issues. It is respectfully requested that an indication of the status of these claims be provided.

Regarding the objection to the drawings, the Examiner states that FIG. 2 should be labeled "Prior Art". Attached hereto is FIG. 2 labeled "Prior Art". Withdrawal of the objection is respectfully requested.

The Examiner has objected to Claims 6, 10, 19, 25 and 27 because of informalities. Claims 6, 19, 25 and 27 have been amended to remove the word "the" from "the characteristics". Claim 10 has been amended to change "Ats" to "ATs" as requested by the Examiner. Withdrawal of the objection is respectfully requested.

The Examiner has rejected Claims 1-5, 19-23 and 27 under 35 U.S.C. §112, second paragraph, for lack of antecedent basis. Claims 1, 3, 19 and 27 have been amended to address the antecedent issues. Withdrawal of the objection is respectfully requested.

The Examiner has rejected Claim 16 under 35 U.S.C. §112, second paragraph, as being indefinite. Claim 16 has been amended to recite, "a data rate higher than the current data rate, but below the data rate set in the RRL message, is selected". Based on at least the foregoing, withdrawal of the rejection is respectfully requested.

The Examiner has rejected Claims 9-11, 13-15, 19, 26 and 27 under 35 U.S.C. §102(a) as being anticipated by Applicants' Admitted Prior Art, with Claims 9, 13, 19, 26 and 27 being in independent form. The Examiner states that the admitted prior art discloses the concept of using the access probabilities in determining the data rates. The Examiner states that this concept is particularly disclosed in Fig. 1 of the present application. It is respectfully submitted that nowhere in the prior art section is the term "access probabilities" even recited. As the use of the access probabilities in determining the data rates in neither taught nor disclosed in the Applicants' Admitted Prior Art, withdrawal of the rejections of Claims 9, 13, 19, 26 and 27 is warranted. Based on at least the foregoing, withdrawal of the rejection is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-5, 9-11, 13-16, 19-23, 26 and 27, are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



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